

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**JOHN JEFFREY SWEDA,**

*Plaintiff,*

**v.**

**UPPER BUCKS COUNTY TECHNICAL  
SCHOOL, *et al.*,**

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**CIVIL ACTION**

**No. 22-1787**

**ORDER**

**AND NOW**, this 18<sup>th</sup> day of August, 2023, upon consideration of Defendants Upper Bucks County Technical School (“UBCTS”) and former Chair of the UBCTS Joint Operating Committee, Megan Banis-Clemens’ Motion to Dismiss (ECF No. 18), Plaintiff’s opposition thereto (ECF No. 19), Defendants’ Reply Brief (ECF No. 20), and Plaintiff’s Sur-Reply Brief in Opposition (ECF No. 21), it is hereby **ORDERED** that Defendants’ Motion to Dismiss is **GRANTED in part and DENIED in part**. The Motion is **GRANTED** as follows:

1. Plaintiff’s § 1983, Pennsylvania Whistleblower Law, and wrongful termination claims against Defendant Megan Banis-Clemens (Counts VIII, IX, X, and XI of the Amended Complaint) are **DISMISSED with prejudice**. The Clerk of Court is directed to **TERMINATE** Defendant Megan Banis-Clemens from this matter.
2. Plaintiff’s Pennsylvania Whistleblower Law claim as to Defendant UBCTS (Count IV of the Amended Complaint) is **DISMISSED** with prejudice;
3. Plaintiff’s wrongful termination claims against Defendant UBCTS (Counts V & VI) are **DISMISSED** with prejudice.

It is **FURTHER ORDERED** that Defendants' Motion is **DENIED** as to the following claims:

1. Plaintiff's § 1983 First Amendment discrimination claims against Defendant UBCTS, Counts I & II of the Amended Complaint;
2. Plaintiff's § 1983 Fourteenth Amendment deprivation of due process claim against Defendant UBCTS, Count III of the Amended Complaint; and
3. Plaintiff's wrongful termination claim against Defendant UBCTS, Count VII of the Amended Complaint.

**BY THE COURT:**

/s/ *Mitchell S. Goldberg*

**MITCHELL S. GOLDBERG, J.**